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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-ninth session

SUMMARY RECORD OF THE 1158th MEETING

Held at the Palais des Nations, Geneva
on Tuesday, 6 August 1996, at 10 a.m.

Chairman: Mr. BANTON

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The meeting was called to order at 10.10 a.m.

STATEMENT BY THE HIGH COMMISSIONER FOR HUMAN RIGHTS

1. The CHAIRMAN introduced the discussion by recalling the Secretary-General's report entitled "An Agenda for Peace", which mapped out a four-phase approach covering preventive diplomacy, peacemaking, peace-keeping and post-conflict peace-building. The Committee had played its part in preventive diplomacy through its early warning measures, in which it took a special interest, although its action had not been acknowledged in any of the High Commissioner's reports. With regard to peacemaking, the Committee was deeply concerned about the situation in Burundi, and would be interested to hear more about the Security Council's intentions and the possible role that the Committee might play. The Committee did not appear to have any distinct role with respect to peace-keeping, but there was a clear path for it to follow in post-conflict peace-building which it hoped to develop in the future.

2. Mr. AYALA-LASSO (High Commissioner for Human Rights) stressed the importance he attached to the work of the Committee. The recent tragic ethnic violence in Burundi and racial intolerance in many other parts of the world were a reminder of the vigilance needed in protecting and promoting human rights. The systematic monitoring of the implementation of the Convention was fundamental to the efforts of the United Nations in that regard. Apologizing for not having specifically mentioned the Committee's work in preventive diplomacy in his reports, he commended its early warning and urgent procedures and noted with satisfaction that the General Assembly had supported the Committee in its initiative to use such procedures to prevent serious incidents of racial discrimination and conflict from occurring rather than reacting to events after the fact.

3. Turning to developments within the Secretariat, he said that the very serious financial crisis in the United Nations had resulted in the freezing or abolition of posts and a reduction of resources throughout the Secretariat and the consequent reduction in documentation services for the Committee. The restructuring of the Centre for Human Rights was expected to result in more efficient operations, a more rational use of personnel and resources, and increased transparency and cooperation within the Centre. The Documentation Centre had now been established and a librarian appointed. He would welcome any suggestions by Committee members about the future work of the Centre, including the kind of documentation that should be acquired. Progress had also been made in computerizing the work of the treaty bodies, with a database on the Convention on the Rights of the Child already operational and work to begin shortly on computerizing data concerning the International Convention on the Elimination of All Forms of Racial Discrimination.

4. At the recent Second United Nations Conference on Human Settlements (Habitat II), the Assistant Director-General for Human Rights and he had endeavoured to place the right to adequate housing in the larger context of international human rights law. The Committee's statement to the Conference had certainly contributed to reaffirming the right to adequate housing as an established human right.

5. At its fifty-second session, the Commission on Human Rights had adopted a recommendation addressed to the seventh meeting of persons chairing the human rights treaty bodies to be held in September 1996 suggesting that they should consider the possibility for all States parties to prepare a single comprehensive report to all the committees and that thematic and specifically tailored reports should replace periodic reports, a suggestion which had not been endorsed by the Human Rights Committee at its recent session. The Commission had also invited the treaty bodies to identify the range of possible options for making technical assistance and advisory services available to States parties in order to help solve the problem of overdue or inadequate reporting.

6. With a view to promoting the universal ratification of human rights instruments, a regional meeting had been held in Addis Ababa in May 1996 to identify obstacles to ratification in 17 African countries and to devise strategies to overcome them. The Committee's Rapporteur, Mr. Chigovera, had been of valuable support in that endeavour. A similar regional meeting was to be held in Amman, Jordan, for States in the Asia and Pacific region. It was hoped that conclusions for further action could be drawn from those meetings.

7. He informed the Committee that the Commission on Human Rights had extended for three years the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

8. He noted that, with the recent accession of Malawi, there were now 147 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination. The number of States parties having accepted the individual complaints procedure under article 14 of the Convention still fell short of expectations, but, with the recent declaration by Luxembourg, was now up to 23.

9. He reiterated his strong personal support for the work of the Committee and his willingness to continue his dialogue with the Committee and with Mr. de Gouttes, who had been appointed to liaise with his office, in particular on the subject of early warning measures or urgent action.

10. Mr. ABOUL-NASR said he assumed that the High Commissioner for Human Rights had been briefed on the Committee's concern about grave human rights violations, including genocide, in certain countries, notably Burundi and Rwanda, but also Liberia, Somalia, the former Yugoslavia and others. He asked the High Commissioner, in particular, to brief the Committee on the prevailing situation in Burundi and the surrounding region, and specifically as to whether there was any truth in press reports that the United Nations was withdrawing its observers. If so, what were the problems faced by the United Nations? He also invited comment on accusations from Rwanda that the United Nations was failing in its duty. The High Commissioner's comments would guide the Committee in drawing up the statement it expected to make as part of its early warning and urgent procedures.

11. Quoting examples of lack of organization and administrative inefficiency within the Centre for Human Rights, he hoped that the restructuring and computerization process would be achieved quickly and would have the desired effect.

12. Mr. CHIGOVERA expressed serious misgivings about the approach adopted by the international community with regard to the situation in Burundi. As the High Commissioner had said, preventive diplomacy was intended to prevent serious incidents of racial discrimination and conflict from occurring rather than reacting to events after the fact. And yet, despite numerous statements, talks, appeals and resolutions, the international community was clearly reluctant to become involved and had made no concerted attempt to take action. Indeed, Burundi was being abandoned, just as Rwanda, and Somalia, had been. In Rwanda, while purporting to help the Rwandese people to find a lasting solution, the international community had supported one party to the conflict at the expense of the other and had in effect created anxieties and a desire for revenge. In view of the obvious failure of the approaches adopted so far, a new approach was needed, involving a meaningful effort to bring both sides to the negotiating table and promote reconciliation, as had been done, for instance, in Mozambique, Zimbabwe or Angola.

13. Turning to financing and administrative arrangements, he said that the Committee was one of the least well provided for of the human rights treaty monitoring bodies and he was concerned about the effects on its work.

14. Mr. de GOUTTES associated himself with Mr. Aboul-Nasr's comments about the effects of the restructuring process on the facilities available to the Committee and on its work, expressing particular concern about the problem of translating documents into all working languages.

15. On the subject of early warning and urgent procedures, he was in favour of direct contact between the Committee and the High Commissioner for Human Rights, although he would of course continue to ensure liaison with the High Commissioner's office. The priorities for such further discussion should emerge from the current meeting. The Committee had in fact already identified 13 countries where the situation seemed to merit urgent attention as a matter of priority, and it would be of interest to know which countries were regarded as warranting priority consideration by the High Commissioner.

16. Regarding the situation in Burundi, he drew attention to a highly informative report published by the office of the High Commissioner for Human Rights on the situation of human rights in Burundi and the activities of the observer mission there in the period from 19 April to 15 July 1996. The report described the alarming resurgence of acts of violence and the spread of the conflict throughout Burundi, the inadequacy of the means available to the five observers and the Bujumbura office, the courageous but inevitably limited investigations conducted by the observers, and the alarming conclusions of the mission with respect to the acts of violence committed by both sides, the functioning of the justice system and the situation in the prisons and detention centres. Since the publication of the report, however, two events had taken place, one being the massacre of 312 Tutsis at the refugee camp of Bugendena, following which the Security Council had asked for investigations to be carried out, and the other being the coup d'état of 25 July 1996, bringing Major Pierre Buyoya to power, and the establishment of a Government of national unity on 2 August. Those two recent developments prompted several questions and comments. What was the situation now with regard to the follow-up to the Arusha Summit of June 1996 and the proposal to establish a regional force composed of contingents from Tanzania, Uganda and Ethiopia?

What was the position of the new Government in that regard? Furthermore, the reactions of the international community to the new Government were fraught with ambiguity. It had been strongly condemned by the neighbouring countries, while the position of the non-African countries was more reserved, possibly in the hope that it afforded some chance of normalization. Finally, he referred to a joint message issued on 1 August by the Bishops of several central African countries denouncing political leaders who had set up private militias to shore up their authority and based their power on injustice, criticizing tribalism and the thirst for power observed in countries like Rwanda, Burundi, Somalia, Sierra Leone, Sudan and Liberia, and calling for an end to dissension and fratricidal warfare.

17. Mr. WOLFRUM said that the Committee was greatly concerned about the steady flow of refugees from Burundi to Rwanda. The Committee had been one of the first international bodies to warn of the growing ethnic tension in Burundi, as early as 1989. He asked the High Commissioner to give his assessment of the current situation in Burundi. He understood that the High Commissioner had prepared a report on the situation in the region, which had been rejected by the Governments concerned; he would be glad to hear more details about it.

18. Further, he asked the High Commissioner what action he planned to take to help the various ethnic groups of Burundi to live together in peace when the conflict was over. It was essential to establish a system of power-sharing which would provide security for both Tutsis and Hutus and ensure that neither side was able to take revenge upon the other.

19. He had noted with interest the High Commissioner's reference to the planned restructuring of the Centre for Human Rights, and hoped that the Committee would have time to discuss the issue fully.

20. Mr. GARVALOV said that the Committee had a moral duty to express its views on the developments in Burundi. It could not condone the massacres which had taken place by remaining silent. The President of the United Nations Security Council had merely called upon the parties in Burundi to work towards reconciliation, but it was essential to work out a solution and impose it through concerted action using all possible means; the High Commissioner could surely contribute to that task, perhaps by investigating ways of supporting regional efforts to resolve the conflict.

21. He had been encouraged by the High Commissioner's praise of the Committee's early warning activities. The Committee had the necessary expertise to provide valuable information to the High Commissioner and the Secretary-General, and was most willing to do so. In that connection, he drew attention once again to situations of potential danger, such as Kosovo and Macedonia, where preventive action was essential.

22. Mr. SHERIFIS said that one way in which the High Commissioner could help the Committee would be to inform States which were not yet party to the International Convention on the Elimination of All Forms of Racial Discrimination about the Convention and the work of the Committee as the Committee had no official contact with States until they had acceded to

the Convention. The High Commissioner's office could also help with the implementation of the Committee's decisions, both general and specific, particularly in areas relating to non-party States.

23. The situation of refugees who had been driven from their homes because of ethnic conflicts came within the Committee's sphere of competence under the Convention. The Committee was currently drafting a general recommendation on the right of refugees and displaced persons to return to their homes and reclaim their property, which it hoped to adopt at the current session. He asked the High Commissioner to consider organizing a seminar on that issue, possibly as part of the activities for the Third Decade to Combat Racism and Racial Discrimination.

24. Mr. RECHETOV said that world opinion increasingly considered regional organizations, such as the Council of Europe, to be more effective agents in the field of human rights than the traditional United Nations human rights bodies, including the Committee. Indeed, some States concentrated the efforts they made in the human rights field on such regional organizations instead of fulfilling their legal obligations under United Nations instruments, such as submitting periodic reports to the Committee. Perhaps the High Commissioner could consider ways of strengthening the Centre for Human Rights in order to incorporate the good points of the regional human rights bodies and encourage States to fulfil their legal obligations.

25. The High Commissioner had suggested that States should submit a single comprehensive report to all the human rights treaty bodies. He was categorically opposed to any such suggestion; the Committee already received reports which were quite clearly copies of those prepared for other bodies, such as the Human Rights Committee, and they were simply not specific enough to meet the Committee's requirements. In his opinion, such a move would not be successful unless the legal procedures for the submission of reports were amended.

26. Acts of terrorism, which were often connected with ethnic conflicts, were an increasing problem, a fact he hoped the High Commissioner would bear in mind in his work.

27. Finally, he wished to draw the High Commissioner's attention to the problem of Kosovo. Several years before, the Committee had sent a mission to Kosovo which had enjoyed the support of both the Serbian and the Albanian authorities. It was generally acknowledged that, if war broke out in Kosovo, the situation would be even worse than in Bosnia. He could not understand how the international community could concentrate on Bosnia and ignore the situation in Kosovo, which could be kept from reaching crisis point by appropriate preventive action.

28. Mr. SHAHI said that the situation in Burundi was beyond the competence of the Committee and indeed of the entire United Nations human rights machinery. The only body competent to act was the Security Council but it had refused to do so. Fortunately, however, regional forces, such as the east and central African countries which had met at the Arusha Summit in July 1996, were determined to act. The Committee and other human rights bodies concerned

with the prevention of discrimination should urge the international community to provide financial and logistical support for the intervention proposed at the Arusha Summit, which was the only way to prevent further massacres. He hoped that the High Commissioner would add his influential voice to the campaign.

29. Mr. AYALA-LASSO (High Commissioner for Human Rights) said it was true that the United Nations was not always able to find swift and effective solutions for international problems. Some cases, such as that of Somalia, had tarnished the Organization's reputation as a peace-keeper. The respective fields of competence of various parts of the United Nations system were very clearly defined. He himself was not empowered to act in matters of international peace and security, but could only offer practical suggestions and support to the competent body, the Security Council. The Security Council, in turn, had no authority under the Charter of the United Nations to consider human rights issues, except in very special cases such as that of the Kurds of Northern Iraq, where violations of human rights had been deemed to infringe peace and security.

30. He had tried to react to the emergency situation in Burundi as he had in Rwanda, where the field operations conducted by his office had won the approval of the Rwandan Government and non-governmental organizations, despite the initial problems. He had established an office in Bujumbura in June 1994, which was working to reform the justice system, provide human rights training for the military establishment, promote racial tolerance by means of radio programmes and generally encourage the different ethnic groups to talk to one another instead of shooting.

31. In January 1995 he had suggested that up to 35 observers should be sent to monitor human rights in Burundi, at a cost of US$ 3.5 million for one year. He had eventually been granted the sum of US$ 400,000, and had sent five observers in March 1996, firstly to assess the practicability of monitoring the human rights situation at all and, secondly, to do the actual monitoring. They had concluded that human rights monitoring was both valuable and possible. Their findings had been presented in a confidential document to the diplomatic community in Geneva at the end of July; it was not an official report of his office. The press had claimed that the report blamed the army for acts of violence, rather than the rebels. However, it had actually said that all sides were guilty of acts of violence. Clearly, improving the human rights situation was not the whole answer: there must be a political solution as well. Many peace initiatives had been launched by the Organization of African Unity, former President Julius Nyerere of Tanzania and others, in some of which he had been personally involved.

32. He did not wish to speak about the recent coup d'état in Burundi because the United Nations had already taken an official position on the matter. He was determined to continue his operations in Burundi, even if other agencies withdrew. Even small numbers of human rights monitors made potential victims feel safer and potential aggressors feel that they were being watched.

33. Prevention and early warning activities such as those conducted by the Committee were very important and deserved the support of the entire

international community. A task force met every week to discuss policy issues with the Secretary-General, and information from human rights mechanisms such as the Committee was vital to its work. The United Nations had been widely accused of passivity, not least by the media. However, his Office was trying to act and react to situations as quickly as it could. That was particularly true in Africa, the present focus of operations. In Europe, the Office's attention was directed towards Russia, Georgia and the Balkans. In Bosnia and Herzegovina, it was working particularly to provide training on the ground, assistance to the High Representative, Mr. Carl Bildt, and humanitarian aid.

34. The decision to appoint Mr. de Gouttes to liaise with the Office was very welcome, as was direct contact with the Committee as a whole. Further exchanges would be arranged as and when necessary.

35. The CHAIRMAN thanked the High Commissioner for Human Rights for addressing the Committee and his willingness to collaborate with it.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Tenth, eleventh, twelfth and thirteenth periodic reports of Brazil (CERD/C/263/Add.10; HRI/CORE/1/Add.53) (continued)

36. At the invitation of the Chairman, Mr. Vergne Saboia, Mr. dos Santos, Mr. Pinta Gama and Mr. Espinola Salgado (Brazil) resumed their places at the Committee table.

37. Mr. GARVALOV commended the report of Brazil for its candour and comprehensive analysis of the situation in Brazil. However, certain areas remained unclear. Paragraphs 9 and 10 did not fully explain what the status of the Convention was in relation to internal legislation, or whether it could be directly invoked before the courts. Although paragraph 18 provided some information on the administrative, economic and financial sanctions imposed on persons found guilty of racial discrimination, it was not clear whether all 26 states in Brazil provided for such sanctions. It also seemed that the prohibition of racial discrimination varied from state to state, with some prohibiting it in education, some in culture and so on. The delegation should, therefore, shed light on the situation.

38. Paragraph 23 referred to differences in levels of schooling for white, coloured and black children. What was the Government doing to improve the situation for coloured and black children?

39. According to paragraph 45, although there were no legal impediments, few Negroes reached the top ranks of government, the armed forces, or private enterprise. Why was that?

40. Paragraph 46 mentioned the Government's commitment to reducing material inequalities between racial groups through the adoption of non-discriminatory policies. However, it did not explain exactly what they were or what the Government was doing in practice.

41. Information on the reform bill for the Special Part of the Criminal Code was also needed, as were assurances that the law, when passed, would be consistent with paragraph 4 (b) of the Convention. The same was true for draft bill No. 4,366/93, mentioned in paragraph 72 of the report.

42. The Constitution of Brazil stipulated that, to stand for election, a candidate had to be a member of a political party, which seemed very restrictive and called for explanation. Further information on requirements for candidates for the offices of President and Vice-President of the Republic would also be welcome because, from paragraph 98 of the report, it seemed that the only stipulation was that candidates should be over 35 years of age.

43. Finally, he asked why so few cases of racial discrimination were filed in Brazil. Was it because Brazilian society was permissive, because acts of racial discrimination were not registered and therefore went unpunished or because judicial procedures were complicated and prohibitively expensive?

44. Mr. DIACONU said that paragraph 8 of the report stated that, under the 1988 Constitution, Brazil's international relations were governed by the principle of the prevalence of human rights. It was not, however, clear what that meant in practice, particularly given the country's federal structure. Similarly, the description in paragraphs 18 and 19 of laws adopted in the various states prohibiting racial discrimination did not explain what happened in states without such legislation and whether in those cases federal law prevailed.

45. The report spoke frankly of problems in the areas of employment, the distribution of national wealth and inequality between ethnic groups. When dealing with those problems, it should be remembered that the Convention was concerned not just with deliberate acts of discrimination, but also with discrimination arising out of economic and social circumstances, and suitable measures should therefore be taken to ensure observance of article 1.

46. Paragraph 54 listed laws, codes and statutes that established the criminal nature of racial discrimination. However, it appeared that organizations and acts of racial discrimination committed by them were not covered by legislation. A greater effort therefore needed to be made to ensure compliance with article 4 (b) of the Convention.

47. He regretted the fact that the situation of indigenous populations had been dealt with in a separate section at the end of the report and that there was a lack of information on the territories they inhabited, how the borders were defined and whether they had enough land to be able to maintain their traditional way of life and cultural identity.

48. Mrs. SADIQ ALI, referring to the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, on his mission to Brazil in 1995 (E/CN.4/1996/72/Add.1), asked what was being done to improve the occupational and social mobility employment prospects and wages of Afro-Brazilians, and to eradicate the inherent discrimination they faced in recruitment, as described in paragraph 48 of that report. Similarly, what measures were being taken to change the mainly white-dominated media and to improve the salaries of black

women, particularly domestic servants, and their conditions of employment? Finally, paragraphs 53 and 54 of the report stated that more black women were sterilized than white women, and that some black women might even have been sterilized without their knowledge, and therefore their consent, when giving birth. She asked if the situation had changed since the International Labour Organization's Committee of Experts on the Application of Conventions and Recommendations had drawn attention to it.

49. Mr. WOLFRUM said that he was disappointed that the report had dealt with the situation of indigenous populations in a separate chapter. Moreover, the population breakdown in paragraphs 20 to 22 was unclear and did not indicate whether Indians had been included with coloured people. While the policies on indigenous peoples described in the report were highly commendable on paper, there was a nagging doubt about how they were being implemented in practice. It had been mentioned in the oral presentation that one of the relevant constitutional provisions was under review. How did that process work?

50. There had been reports that Indians who wanted to return to their traditional lands had met with resistance from farmers and miners, for example. He would welcome information on what the Government was doing to protect Indians from what were often violent attacks and on how legislative provisions for their protection were being implemented.

51. The Civil Code mentioned in paragraph 174 dated back to 1916 and its article 6 considered Indians to be relatively incapable of performing certain acts of civil life. That provision was clearly at odds with the Convention and should therefore be amended.

52. Paragraph 176 mentioned the spread of disease among the Indian population when their much-coveted lands were exploited by prospectors or by big industry. Details of what was being done to protect the Indian population from disease should be provided.

53. Mr. YUTZIS said that, despite the very progressive nature of article 231 of the Brazilian Constitution, the problems of the indigenous populations would not be solved without proper demarcation of their lands and the establishment of proper legal titles thereto. In that connection he asked about the status of the presidential decree recognizing the property rights of indigenous communities, which was referred to by the Special Rapporteur in paragraph 62 of his report (E/CN.4/1996/72/Add.1).

54. As the demarcation of land was a complex and costly business requiring considerable political will and financial resources, he wondered what resources were available to the National Indian Foundation (FUNAI) and other similar organizations for that purpose.

55. Mr. VERGNE SABOIA (Brazil), replying to points raised, said that state constitutions could in no way restrict any of the rights embodied in the Federal Constitution, but could go beyond them by providing more specific protection. The Brazilian Constitution made the provisions of international human rights instruments directly applicable in Brazil without the need for specific legislation.

56. Brazil's provisions on states of emergency were in full conformity with the International Covenant on Civil and Political Rights. The process of declaration involved certain legislative measures including the consent of Congress.

57. Criminal law in Brazil was federal. There was no state penal regime as in some federations.

58. Mr. DOS SANTOS (Brazil), speaking as Coordinator for the Inter-Ministerial Working Group for the Development of the Black Population, said that Brazil's black population did not constitute a minority but, with some 70 million persons, accounted for almost half the population.

59. President Cardoso himself had stated that one of the problems of the black population was that it did not enjoy full citizenship, a fact which was clear from the statistical tables in Brazil's report. The aim of the Inter-Ministerial Working Group was to put that problem firmly on the national agenda.

60. The difficulties of the black population had started with the abolition of slavery. The subsequent lack of employment opportunities and educational difficulties had built up a negative image of the black population which the blacks themselves had accepted. Their low self-esteem, together with the discrimination practised by the white population and the media's largely white orientation, exacerbated the problem.

61. To put an end to that vicious circle, and to transform Brazil into a more just and equitable nation, special policies were needed in employment, education and communications. The Inter-Ministerial Working Group was dedicated to that end.

62. Mr. VERGNE SABOIA (Brazil) said that the figures given in the report were the official figures from the 1990 census. The population of Brazil now stood at some 160 million. Since the 1940s the increase in the coloured population had been matched by a corresponding reduction in the black population, due to miscegenation. Other categories such as immigrants and foreigners were included in the statistics according to their ethnic and racial origins.

63. The fact that there were more marriages between coloureds and blacks than between whites and blacks was probably because, generally speaking, people tended to marry within or close to their own social class.

64. With regard to the question of the progress of constitutional reform, raised by Mr. de Gouttes, he said that, when the core document had been prepared in 1994, a broad reform of the Constitution had been attempted but had not proved to be politically feasible, and the present Government was tackling the problem on a case-by-case basis. Some aspects of the Constitution were being modernized, particularly in the areas of economic and fiscal policy, and reforms were under way in social security and administration to ensure a greater degree of control and predictability in government expenditure and revenue.

65. There appeared to have been some misunderstanding about the provisions of the Constitution being challenged in court. The procedure for the demarcation of land had been challenged and additional measures had been required to guarantee that the process was not challenged in the Supreme Court. The constitutional provisions on indigenous rights had not been amended in any way and no amendment was being considered.

66. With regard to Mr. de Gouttes' question about the economic situation of the country and the consequences of the Mexican financial crisis, he confirmed that any effects which that crisis might have had in Brazil had largely been overcome.

67. Agrarian reform had been a government priority particularly since the violent incidents in rural areas. Those events would be dealt with at greater length later on. The Government was intensifying its programme for the expropriation of rural property, particularly portions of large estates not currently being exploited economically, in order to settle landless peasant families. Some 40,000 families had been settled through the scheme in 1995 and the target was to settle a further 60,000 in 1996 and 200,000 families over a four-year period. A Ministry of Agricultural Reform had been established to promote those policies.

68. The problem of rural violence was being addressed in the human rights plan of action, which would focus on obtaining more detailed information on where the violence occurred and its causes.

69. The reform of the Criminal Code referred to in paragraph 71 of the report was now with the Commission of Justice of the Chamber of Deputies. Draft Bill 4,366/93, aimed at reinforcing the provisions of the Criminal Code in respect of racism, was still under consideration by the Chamber of Deputies.

70. The Human Rights Committee referred to in paragraph 74 of the report had been established in the Chamber of Deputies and had become a very active promoter of human rights initiatives in Congress and in the country generally. The Senate was now considering establishing a similar committee.

71. The National Commission for Equality of Opportunities referred to in paragraph 75 of the report had been transformed by the establishment of a working group on the elimination of discrimination in employment and the Inter-Ministerial Working Group for the Development of the Black Population. One of the positive measures in education, in addition to the introduction of the concept of non-discrimination and tolerance in school syllabuses, had been the publication by the Ministry of Education of a guide containing an assessment of all school textbooks available in Brazil, based on criteria established by educational and human rights experts for the exclusion of any books which contained stereotyped images of blacks and indigenous peoples or which expressed prejudices in respect of race, colour, age, sex or any other form of discrimination incompatible with the provisions of the Federal Constitution. Over 70 textbooks had been withdrawn from circulation as a result. A book on the life of a prominent black leader of runaway slaves who

had fought the Portuguese in the seventeenth century had been published by the Ministry of Culture and Education and distributed to schools throughout the country.

72. The special police unit for handling race-related crimes which had been established in São Paulo was a pilot project that had been less successful than the corresponding initiative for violence against women.

73. There had been two notable cases involving punishment for racial acts. In the first case, a state electrical company had been ordered to re-employ a person it had dismissed on racial grounds and to compensate him for any damages suffered. In the second case, a notorious singer and composer, together with his recording company, had been denounced by the Public Prosecutor of Rio de Janeiro on the basis of information provided by black movements for the infringement of article 20 of Law 7716/89 on incitement to racial discrimination. The company's records had been seized pending a final judicial decision.

The meeting rose at 1 p.m.